



ARIZONA STATE SENATE
Fifty-Third Legislature, First Regular Session

AMENDED
FACT SHEET FOR H.B. 2162

JPs; residency requirements

Purpose

Establishes elector and residency requirements for justice of the peace (JP) and constable candidates.

Background

As outlined in the Arizona Constitution, JPs are elected in precincts with jurisdiction, powers and duties of justice courts established by law except that civil jurisdiction cannot exceed \$10,000 and criminal jurisdiction is restricted to misdemeanors ([Article 6, § 32](#)).

A county board of supervisors (Board) divides a county into justice precincts. Qualified electors of each precinct elect a JP and a constable for four year terms at the general election for state and county officers ([A.R.S. § 22-102](#)). As outlined, a JP has exclusive jurisdiction of all civil actions not exceeding \$10,000, jurisdiction concurrent with a superior court for cases of forcible entry and detainer limited to \$10,000 and jurisdiction to try the right to possession of real property when title or ownership is not an issue ([A.R.S. § 22-201](#)). Additionally, in counties with more than two million people, a JP has original jurisdiction over small claims, civil traffic offenses, special detainers and forcible detainers, and lease disagreements with certain exceptions ([A.R.S. § 22-201](#)). Finally, JPs may hear misdemeanor offenses with penalty fines less than \$2,500 and imprisonment sentences less than six months in the county jail ([A.R.S. § 22-301](#)). As outlined in statute, a constable executes, serves and returns all processes, warrants and notices as directed by a JP within their county ([A.R.S. § 22-131](#)).

At the time of his or her election or appointment, a JP or constable must be at least 18 years old, an Arizona resident, an elector of the precinct in which the duties of the office are to be exercised and be able to understand the English language ([A.R.S. § 11-402](#)). A *qualified elector* is a person who is qualified to vote, properly registered and at least 18 years old on or before the election ([A.R.S. § 16-121](#)). A person remains a qualified elector until his or her registration is canceled for specific circumstances or until he or she is not a qualified resident.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a candidate for JP or constable to be:
 - a) a qualified elector of the precinct he or she proposes to represent at the time of filing a nomination paper; and
 - b) a resident of the precinct he or she proposes to represent at least one year before the general election date.
2. Applies the outlined elector and residency requirements to a JP or constable elected after the general effective date.
3. Makes a conforming change.
4. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Adds a candidate for constable to the outlined elector and residency requirements.

Amendments Adopted by Committee of the Whole

- Removes the exemption for a JP or constable appointed to fill a vacancy from the residency and elector requirements.

House Action

JPS	2/8/17	DP	9-0-0
3 rd Read	2/16/17		58-0-2

Senate Action

JUD	3/9/17	DPA	7-0-0
-----	--------	-----	-------

Prepared by Senate Research

March 17, 2017

AW/JO/rr